

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA PAYNE,
Plaintiff

v.

C/O DUNCAN, et al.,
Defendants

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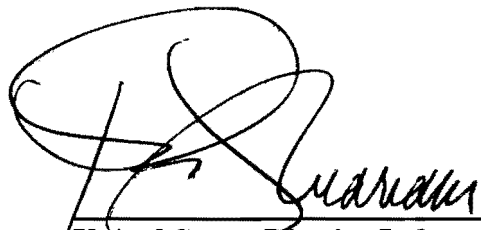
CIVIL NO. 3:13-cv-2203

(Judge Mariani)

ORDER

NOW, THIS 23rd DAY OF APRIL, 2014, in accordance with the Memorandum
issued this date, **IT IS HEREBY ORDERED THAT:**

1. The partial motion to dismiss (Doc. 14) is **GRANTED**:
 - A. Defendants Whalen and Huber are **DISMISSED** from the Complaint entirely and the Clerk of Court is directed to **TERMINATE** them as parties to this action;
 - B. Plaintiff is permitted to proceed with his claim of retaliation against Defendants Duncan and Ziegler related to the cell search; and,
 - C. All other claims in the Complaint are **DISMISSED**.
2. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.



United States District Judge